

REMARKS/ARGUMENTS

Claims 1-66 stand rejected in the outstanding Official Action. Claims 1, 8, 12, 19, 23, 30, 34, 41, 45, 52, 56 and 63 have been amended and therefore claims 1-66 remain in this application.

The Examiner's approval of the originally submitted drawings is very much appreciated.

In section 2 of the Official Action, the Examiner objects to claims 8, 19, 30, 41, 52 and 63, suggesting that the word "send" should be changed to "sent" in line 2 of those claims. The Examiner's suggestion has been incorporated in the above amendment to claims 8, 19, 30, 41, 52 and 63. Therefore, any further objection to these claims is respectfully traversed.

Claims 1-66 stand rejected under 35 USC §103 as being obvious over "Symantec" in view of Chen (U.S. Patent 5,960,170). Applicants' claimed invention, as set out in the independent claims, specifies three interrelated logics, method steps and/or structures. There is a report generating logic which generates report data identifying the reporting computer and an event. There is data retrieving logic for fetching requested data from the receiving computer to a reporting computer upon the request of the reporting computer. Finally, there is report sending logic which sends the report data from the reporting computer to the receiving computer during the fetch of requested data.

In other words, during the normal fetching of "requested data" from the receiving computer to the reporting computer, the reporting computer also sends "report data." The benefit of utilizing the normal communication between a reporting computer and a receiving computer (in order for the reporting computer to fetch requested data from the receiving computer) allows report data to be transmitted to the receiving computer "without having to establish a dedicated reporting communication session and without requiring a user to take any actions dedicated to

triggering such a report.” (Applicants’ specification, page 3, lines 11-13). Applicants’ independent claims have been amended, where appropriate, to clarify that the sending of report data occurs during the fetch of requested data. It is this aspect that provides the beneficial result of Applicants’ invention.

The Examiner contends that Symantec and/or Chen teach all of the above aspects of Applicants’ claimed invention and indeed contain some suggestion for combining those structures in the manner of Applicants’ claims. Moreover, the Examiner admits on page 3, first full paragraph, that “Symantec fails to disclose report sending logic operable to send said report data from said reporting computer to said receiving computer upon fetching of said requested data.” This admission is very much appreciated.

The Examiner also contends that the Chen patent teaches the missing method of the Symantec reference and that Chen and/or Symantec combination provides some motivation or rationale for combining these features. Applicants believe the Examiner to be incorrect, both with respect to the alleged Chen teaching and with respect to there being any motivation for combining these references, as the teachings in these references would seem to lead one of ordinary skill in the art away from any such combination.

In the Symantec system, there is a client computer with associated software which appears to generate reports regarding detected viruses, which reports are collated at its associated server, and then the client computer downloads virus definition updates from the associated server. Thus, in the analogy to Applicants’ claim 1, the client computer is the reporting computer and the receiving computer is the associated server. However, in the Symantec system, it is important to note that the reporting computer (the “client computer”) already has its virus engine and virus definitions and is able to independently perform its virus detection and

only reports positive detection results to the receiving computer (its associated server). Clearly, the Symantec reporting computer (the client computer) may separately request updates to its virus definition data and/or its virus engine. There is no indication that the Symantec device provides any report data and no indication that such report data is provided during a fetch of requested data (whether that requested is an updated virus engine or updated virus definitions or other information).

The Examiner suggests that Chen, especially at column 7, lines 33-45, teaches the report sending logic, which the Examiner admits is absent from Symantec. In Chen, it does not appear that the transmission of any results from the reporting computer to the receiving computer occurs during the fetch of requested data by the reporting computer of the receiving computer. In fact, Chen specifically states that it is

“**after** receipt of the virus detection object, in step 220 the virus detection object is executed by the client 300 and in step 225 the results of virus detection object execution are transmitted to the virus detection server 400 which receives the result and in step 230 produces an additional virus detection based on the result of the execution of the first virus detection object.” (emphasis added, Col. 7, lines 33-39)

While this does appear to indicate that a result of “virus detection object execution” is transmitted to the “virus detection server” (the receiving computer), it is only **after** this has been transmitted that the receiving computer produces an additional virus detection based upon the result of the execution of the first virus detection object.

In other words, Chen appears to teach that the results of the first virus detection object execution (perhaps analogous to the “report data” in claim 1) are transmitted to the receiving computer (the “virus detection server”), but there is no indication that this is done during any “fetch of said requested data.” There is no indication in Chen that any other information is being

requested or transferred in column 7, lines 33-45. Should the Examiner believe there to be such indication or teaching, he is respectfully requested to identify the column and line number where such simultaneous transfer occurs.

As noted above, the benefit of Applicants' invention as noted in the specification is that a separate communication session does not have to be established and that the "report data" can be transmitted during a "fetch" of requested data. Chen has nothing to do with fetching of requested data or the transmission of report data during a fetch of requested data. Thus, Chen fails to teach the missing logic method step and structure set out in Applicants' independent claims.

Moreover, Chen would not be combinable with the Symantec system. As noted above, in the Symantec system, the reporting computer already has its virus engine and virus definitions in place and is capable of independently performing its virus detection. The Symantec computer may separately request updates to its virus definition data (analogous to the fetch of the requested data). In Chen's iterative virus detection method, the virus definitions would no longer reside in the reporting computer, and instead the reporting computer is sent a "virus detection object" which is executed by the reporting computer. Thus, the reporting computer would not need to request virus definition updates ("requested data") as set out in Applicants' claim, i.e., Chen would not need the data retrieving logic.

As a result, even if one were to consider the report sending logic of Chen as meeting the requirements specified in the current claim, then adding this feature to Symantec would result in the removal of the data retrieving logic, which is clearly an element within the claim. Also, there appears to be no suggestion in Chen of the feature noted above, i.e., that the reporting computer sends the report data during the fetch of requested data. Thus, the Patent Office has failed to

provide any rationale or motivation for combining the Symantec teaching and the Chen teaching, even assuming such combination discloses or renders obvious Applicants' independent claims. Accordingly, the Patent Office has failed to establish a *prima facie* case of obviousness under 35 USC §103 with the Symantec/Chen combination and any further rejection thereunder is respectfully traversed.

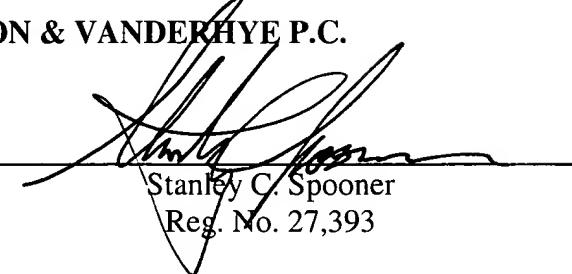
Claims 9, 20, 31, 42, 53 and 64 stand rejected under 35 USC §103 as unpatentable over the Symantec/Chen combination and further in view of Menezes. Inasmuch as these claims ultimately depend from the independent claims noted above, the above comments regarding the Symantec/Chen combination are herein incorporated by reference. Because the Examiner has failed to indicate that the Menezes reference contains any teaching of report data being provided during the fetch of requested data, even if Symantec, Chen and Menezes are combined (and Applicants believe there is no motivation for such combination), there would be no disclosure of Applicants' claimed invention. Accordingly, any further rejection of claims 9, 20, 31, 42, 53 and 64 as unpatentable over Symantec/Chen/Menezes is respectfully traversed.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-66 as amended above are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicants' undersigned representative.

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Respectfully submitted,

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